

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Andres Aaron Mentiél Santomé,)	Case No. 2:23-cv-02174-DCC
)	
Petitioner,)	
)	
v.)	ORDER
)	
Warden Janson,)	
)	
Respondent.)	
)	

Petitioner, a federal prisoner proceeding pro se, is seeking habeas corpus relief pursuant to 28 U.S.C. § 2241. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this matter was referred to United States Magistrate Judge Mary Gordon Baker for pre-trial proceedings and a Report and Recommendation (“Report”). On May 17, 2023,¹ Petitioner filed the Petition and a Motion to Expedite. ECF Nos. 1, 3. The Magistrate Judge issued a Report recommending that the Motion be Expedite be construed as a Petition for Writ of Mandamus and that such Petition be dismissed. ECF No. 6. Petitioner filed objections. ECF No. 14.

The Petition was served, and on August 10, 2023, Respondent filed a Motion to Dismiss or, in the Alternative, for Summary Judgment. ECF No. 15. On September 15, 2023, the Magistrate Judge issued a Report recommending that the Motion for Summary

¹ See *Houston v. Lack*, 487 U.S. 266 (1988).

Judgment be granted and the Petition be dismissed in full. ECF No. 24. Petitioner filed a Motion for Extension of Time to file objections. ECF No. 27. The Court granted the Motion and extended the time to file objections until November 27, 2023. ECF No. 28. Petitioner has not filed objections, and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

As stated above, Petitioner has not filed objections to the Report recommending that summary judgment be granted and the Petition be dismissed in full. Upon review for clear error, the Court agrees with the recommendation of the Magistrate Judge. Accordingly, the Motion for Summary Judgment [15] is **GRANTED** and the Petition [1] is **DISMISSED**. Because the Court finds that the Petition is subject to dismissal, the Court

further finds that the Petition for Writ of Mandamus [3] and the Magistrate Judge's corresponding Report [6] are **MOOT**.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.
United States District Judge

January 18, 2024
Spartanburg, South Carolina